

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA

NEW PRIORITY DATE:
NOV 29 2006

Date of filing in State Engineer's Office JAN 31 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 31 2002

The applicant **Sandwinds, Inc.** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **0.05** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **commercial purposes**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **N/A**
 - (b) Stockwater, state number and kinds of animals to be watered **N/A**
 - (c) Other use (describe fully under No. 12. "Remarks") **N/A**
 - (d) Power:
 - (1) Horsepower developed **N/A**
 - (2) Point of return of water to stream **N/A**
5. The water is to be diverted from its source at the following point **Located in the NW¼-NE¼ of Sec. 35, T.19N., R.28E., M.D.B.&M, from a point that bears North 66° 52' 46" West, a distance of 1,363.65' to the North ¼ Corner of said Section 35**
6. Place of Use **a portion of the NW¼-NE¼ of Section 35, T.19N., R.28E., M.D.B.&M., a total of 1.50 acres**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Drilled well, pump, storage & distribution system**
9. Estimated cost of works **\$10,000.00**
10. Estimated time required to construct works **1 year**
11. Estimated time required to complete the application of water to beneficial use **4 years**

12. Remarks: Application is for a sports bar and restaurant and associated incidental uses including restroom facilities and landscaping. Annual duty will not exceed 4,000 GPD or 1,460,000 gallons per year. Please see enclosed sheet showing estimated consumption.

By s/Barry A. Fitzpatrick
Barry A. Fitzpatrick, Agent
137 Keddle Street
Fallon, Nevada 89406

Compared my/cmf lb/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.05 cubic feet per second, but not to exceed 2.02 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

July 7, 2003

Proof of completion of work shall be filed before:

August 7, 2003

Water must be placed to beneficial use on or before:

July 7, 2006

Proof of the application of water to beneficial use shall be filed on or before:

August 7, 2006

Map in support of proof of beneficial use shall be filed on or before:

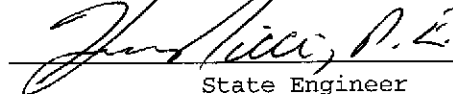
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 11th day of July A.D. 2002


State Engineer

Completion of work filed AUG 03 2003

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

~~CANCELLED OCT 13 2006 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH THE
PROVISIONS OF PERMIT
Tang T. P.E. STATE ENGINEER
Can. Rescinded 6-11-2007~~